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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,374	09/25/2001	Shin-Ichi Kanno	214406US2SRD	5919
22850	7590	04/15/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			SIMITOSKI, MICHAEL J	
		ART UNIT		PAPER NUMBER
		2134		

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/961,374	KANNO, SHIN-ICHI
	<b>Examiner</b>	<b>Art Unit</b>
	Michael J Simitoski	2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 September 2001.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/26/01</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

1. The IDS of 12/26/2001 was received and considered.
2. Claims 1-20 are pending.

### *Claim Objections*

3. Claim 2 is objected to because of the following informalities: “selected one of content servers” (line 25 of the page) should be replaced with “selected one of the content servers”. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 3, 7, 12 & 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claims 3, 7, 12 & 16, the specification does not provide a clear definition for what differentiates a dedicated network from a normal network. *For the purposes of this Office Action, dedicated network is understood to mean a network over which the implementers of the instant invention have control.*

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 5-9, 14-17 & 19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, the claim recites the limitation "the notice" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 6, the claim recites the limitation "the notice" in line 16. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 9, "a receiver configured to receive an access request come up with the permission ticket from the client" is unclear.

Regarding claim 14, the claim recites the limitation "the notice" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 15, the claim recites the limitation "the notice" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 19, the claim recites the limitation "the notice" in line 13. There is insufficient antecedent basis for this limitation in the claim.

#### *Claim Rejections - 35 USC § 102*

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 9-10, 18 & 20, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,718,328 to **Norris**. Norris discloses a reception server/publisher (col. 3, lines 11-12) configured to issue a permission ticket/authenticated URL (col. 5, lines 26-33) to a client/user upon receiving a first access request relating to an order/request from the client (col. 5, lines 34-38), and a content server (col. 3, lines 24-31) configured to transmit the content/media file, etc. (col. 5, lines 34-38) to the client/user in response to a second access request sent from the client using the permission ticket/authenticated URL (col. 5, lines 34-38 & Fig. 4).

#### *Claim Rejections - 35 USC § 103*

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 4, 11 & 13, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Norris** and U.S. Patent 6,092,178 to Jindal et al. (**Jindal**).

Regarding claims 2 & 11, Norris discloses a plurality of content servers each of which stores the same content (col. 1, lines 45-54), a reception server/publisher having a second device configured to receive a first access request relating to the order from the client/user (col. 3, lines 24-31), and a third device configured to issue a permission ticket/authenticated URL to the client

(col. 3, lines 11-12). Norris lacks selecting one of the content servers based on load conditions and lacks the permission ticket locating said selected one of the content servers on the network. However, Jindal teaches that in order to load balance replicated services, a system processes requests and identifies a preferred server based on load conditions (col. 1, lines 13-23) and that client requests can include parameters/ticket locating the preferred server (col. 3, lines 55-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select one of the content servers based on load conditions and include information in the permission ticket locating said selected one of the content servers on the network. One of ordinary skill in the art would have been motivated to perform such a modification to balance the load of multiple servers containing replicated data, as taught by Jindal (col. 1, lines 13-23 & col. 3, lines 55-58).

Regarding claims 4 & 13, Norris, as modified above, lacks specifying a time period to control an access using the permission ticket. However, the examiner takes Official Notice that enforcing expirations on access control mechanisms is old and well established in the art of access control as a method of preventing replay attacks (using the same access mechanism at a later time). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to specify a time period to control an access using the permission ticket. One of ordinary skill in the art would have been motivated to perform such a modification to prevent replay attacks. This advantage is well known to those skilled in the art.

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12. Claims 5-6, 8, 14-15, 17 & 19, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Norris** in view of **Jindal**, in further view of U.S. Patent 6,331,865 to **Sachs et al. (Sachs)**.

Regarding claims 5, 14 & 19, Norris discloses a reception server/publisher (col. 3, lines 11-12) configured to issue a permission ticket/authenticated URL (col. 5, lines 26-33) to a client/user upon receiving a first access request relating to an order/request from the client (col. 5, lines 34-38), and a content server (col. 3, lines 24-31) configured to transmit the content/media file, etc. (col. 5, lines 34-38) to the client/user in response to a second access request sent from the client using the permission ticket/authenticated URL (col. 5, lines 34-38 & Fig. 4). Norris lacks the permission ticket locating said content server and lacks a dispatcher dispatching a notice of issuance of the permission ticket to the content server. However, Jindal teaches that in order to load balance replicated services, a system processes requests and identifies a preferred server based on load conditions (col. 1, lines 13-23) and that client requests can include parameters/ticket locating the preferred server (col. 3, lines 55-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include information in the permission ticket locating said selected one of the content servers on the network. One of ordinary skill in the art would have been motivated to perform such a modification to balance the load of multiple servers containing replicated data, as taught by Jindal (col. 1, lines 13-23 & col. 3, lines 55-58). Further, Norris lacks a notice of issuance. However, Sachs teaches a client/electronic book accessing content, wherein when the client purchases content (electronic book data), a ticket/secure digital envelope is dispatched to the client (content key encrypted with unique key) and a notice of issuance/identification number is

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sent to the content server/centralized bookshelf (col. 4, lines 35-65). This enables the particular electronic book to retrieve the content anytime (col. 4, lines 64-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to send a notice of issuance to the content server. One of ordinary skill in the art would have been motivated to perform such a modification to enable that particular (authenticated) client to download the content anytime from the content server, as taught by Sachs (col. 4, lines 35-65).

Regarding claims 6 & 15, Norris discloses a plurality of content servers each of which stores the same content (col. 1, lines 45-54), a reception server having a second device configured to receive a first access request relating to the order from the client/user (col. 3, lines 24-31), and a third device configured to issue a permission ticket/authenticated URL to the client (col. 3, lines 11-12). Norris lacks selecting one of the content servers based on load conditions and lacks the permission ticket locating said selected one of the content servers on the network. However, Jindal teaches that in order to load balance replicated services, a system processes requests and identifies a preferred server based on load conditions (col. 1, lines 13-23) and that client requests can include parameters/ticket locating the preferred server (col. 3, lines 55-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select one of the content servers based on load conditions and include information in the permission ticket locating said selected one of the content servers on the network. One of ordinary skill in the art would have been motivated to perform such a modification to balance the load of multiple servers containing replicated data, as taught by Jindal (col. 1, lines 13-23 & col. 3, lines 55-58). Norris, as modified above, lacks a notice of issuance sent to the content server. However, Sachs teaches a client/electronic book accessing

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content, wherein when the client purchases content (electronic book data), a ticket/secure digital envelope is dispatched to the client (content key encrypted with unique key) and a notice of issuance/identification number is sent to the content server/centralized bookshelf (col. 4, lines 35-65). This enables the particular electronic book to retrieve the content anytime (col. 4, lines 64-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to send a notice of issuance to the content server. One of ordinary skill in the art would have been motivated to perform such a modification to enable that particular (authenticated) client to download the content anytime from the content server, as taught by Sachs (col. 4, lines 35-65).

Regarding claims 8 & 17, Norris, as modified above, lacks specifying a time period to control an access using the permission ticket. However, the examiner takes Official Notice that enforcing expirations on access control mechanisms is old and well established in the art of access control as a method of preventing replay attacks (using the same access mechanism at a later time). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to specify a time period to control an access using the permission ticket. One of ordinary skill in the art would have been motivated to perform such a modification to prevent replay attacks. This advantage is well known to those skilled in the art.

13. Claims 2-4 & 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,774,668 to Choquier et al. (**Choquier**) in view of **Norris** and **Jindal**.

Regarding claims 2 & 11, Choquier discloses a plurality of content servers/app servers (Fig. 1) each of which stores the same content (col. 2, lines 1-4), a reception server/gateway

microcomputer (Fig. 1) having a first device configured to select one of the content servers based on load conditions thereof (col. 2, lines 44-50) and a second device configured to receive a first access request relating to the order from the client (col. 2, lines 44-50), but lacks a third device configured to issue a permission ticket to the client, wherein the permission ticket locates said selected one of content servers on the network. However, Norris teaches that to control access to content on a network computer (col. 1, lines 45-54), a publisher can issue a token to a user, who then presents the token to the content server; the content server verifies the validity of the token and upon confirmation, delivers the content to the client (col. 3, lines 11-32). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to issue a permission ticket to the client. One of ordinary skill in the art would have been motivated to perform such a modification to control access to the content, as taught by Norris (col. 1, lines 45-54 & col. 3, lines 11-32). Norris, as modified above, lacks the ticket locating one of the content servers on the network. However, Jindal teaches that in order to load balance replicated services, a system processes requests and identifies a preferred server based on load conditions (col. 1, lines 13-23) and that client requests can include parameters/ticket locating the preferred server (col. 3, lines 55-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select one of the content servers based on load conditions and include information in the permission ticket locating said selected one of the content servers on the network. One of ordinary skill in the art would have been motivated to perform such a modification to balance the load of multiple servers containing replicated data, as taught by Jindal (col. 1, lines 13-23 & col. 3, lines 55-58).

Regarding claims 3 & 12, Choquier discloses the first device of the reception server/gateway monitoring the load conditions of the content servers via a dedicated network/LAN (Fig. 1 & col. 2, lines 21-24).

Regarding claims 4 & 13, Choquier, as modified above, lacks specifying a time period to control an access using the permission ticket. However, the examiner takes Official Notice that enforcing expirations on access control mechanisms is old and well established in the art of access control as a method of preventing replay attacks (using the same access mechanism at a later time). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to specify a time period to control an access using the permission ticket. One of ordinary skill in the art would have been motivated to perform such a modification to prevent replay attacks. This advantage is well known to those skilled in the art.

14. Claims 6-8 & 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Choquier, Norris, Jindal and Sachs.**

Regarding claims 6 & 15, Choquier discloses a server allocation device/gateway configured to select one of the content servers based on load conditions (col. 2, lines 44-50) and an acceptor/gateway configured to accept a first access request relating to the order from the client (col. 2, lines 44-50). Choquier lacks an issuing device and a dispatcher. However, Norris teaches that to control access to content on a network computer (col. 1, lines 45-54), a publisher can issue a token to a user, who then presents the token to the content server; the content server verifies the validity of the token and upon confirmation, delivers the content to the client (col. 3, lines 11-32). Therefore, it would have been obvious to one having ordinary skill in the art at the

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time the invention was made to include an issuing device configured to issue a permission ticket to the client and a dispatcher to dispatch the permission ticket to the client. One of ordinary skill in the art would have been motivated to perform such a modification to control access to the content, as taught by Norris (col. 1, lines 45-54 & col. 3, lines 11-32). However, Jindal teaches that in order to load balance replicated services, a system processes requests and identifies a preferred server based on load conditions (col. 1, lines 13-23) and that client requests can include parameters/ticket locating the preferred server (col. 3, lines 55-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select one of the content servers based on load conditions and include information in the permission ticket locating said selected one of the content servers on the network. One of ordinary skill in the art would have been motivated to perform such a modification to balance the load of multiple servers containing replicated data, as taught by Jindal (col. 1, lines 13-23 & col. 3, lines 55-58). Norris, as modified above, lacks a notice of issuance sent to the content server. However, Sachs teaches a client/electronic book accessing content, wherein when the client purchases content (electronic book data), a ticket/secure digital envelope is dispatched to the client (content key encrypted with unique key) and a notice of issuance/identification number is sent to the content server/centralized bookshelf (col. 4, lines 35-65). This enables the particular electronic book to retrieve the content anytime (col. 4, lines 64-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to send a notice of issuance to the content server. One of ordinary skill in the art would have been motivated to perform such a modification to enable that particular (authenticated) client to download the content anytime from the content server, as taught by Sachs (col. 4, lines 35-65).

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Regarding claims 7 & 16, Choquier discloses the first device of the reception server/gateway monitoring the load conditions of the content servers via a dedicated network/LAN (Fig. 1 & col. 2, lines 21-24).

Regarding claims 8 & 17, Choquier, as modified above, lacks specifying a time period to control an access using the permission ticket. However, the examiner takes Official Notice that enforcing expirations on access control mechanisms is old and well established in the art of access control as a method of preventing replay attacks (using the same access mechanism at a later time). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to specify a time period to control an access using the permission ticket. One of ordinary skill in the art would have been motivated to perform such a modification to prevent replay attacks. This advantage is well known to those skilled in the art.

### ***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Simitoski whose telephone number is (571) 272-3841. The examiner can normally be reached on Monday - Thursday, 6:45 a.m. - 4:15 p.m.. The examiner can also be reached on alternate Fridays from 6:45 a.m. – 3:15 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached at (571) 272-3838.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, DC 20231

**Or faxed to:**

(703)746-7239 (for formal communications intended for entry)

**Or:**

(571)273-3841 (Examiner's fax, for informal or draft communications, please label "PROPOSED" or "DRAFT")

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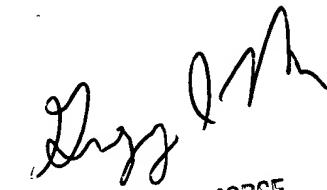
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MJS

April 4, 2005



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